

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

## INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on December 1, 2009. The defendant appeared pursuant to a warrant issued in this case. The United States was represented by Bruce Miyake, and defendant was represented by Michael Nance. Also present was Senior U.S. Probation Officer Jennifer Tien. The proceedings were digitally recorded.

## SENTENCE AND PRIOR ACTION

20 Defendant was sentenced on April 14, 2006 by the Honorable John C. Coughenour for  
21 Possession of a Firearm. He received 30 months of detention and 3 years of supervised release.

#### PRESENTLY ALLEGED VIOLATIONS

23 In a petition dated November 16, 2009, Senior U.S. Probation Officer Jennifer Tien alleged

1 || that defendant violated the following conditions of supervised release:

2       1.       Possession of methamphetamine and marijuana on or about October 22, 2009, in  
3 violation of general condition that the defendant shall not unlawfully possess a controlled  
4 substance and standard condition number 7.

5        2.      Possession of drug paraphernalia on or about October 22, 2009, in violation of  
6 standard condition number 7.

7       3.     Failing to notify the probation officer within seventy-two hours of being arrested or  
8     questioned by a law enforcement officer on or before October 22, 2009, and October 29, 2009, in  
9     violation of standard condition number 2.

10       4.       Failing to report to the probation officer as instructed on November 13, 2009, in  
11 violation of standard condition number 2.

12        5.      Falsifying a monthly supervision report for the month of October 2009, in violation  
13 of standard condition number 2.

## FINDINGS FOLLOWING EVIDENTIARY HEARING

15 Defendant admitted the above violations, waived any hearing as to whether they occurred,  
16 and was informed the matter would be set for a disposition hearing January 8, 2010 at 9:00 a.m.  
17 before District Judge John C. Coughenour. After hearing argument from the parties, the Court  
18 denied defendant's motion for release pending disposition.

## RECOMMENDED FINDINGS AND CONCLUSIONS

20 Based upon the foregoing, I recommend the court find that defendant has violated the

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1 conditions of his supervised release as alleged above, and conduct a disposition hearing.

2 DATED this 1<sup>st</sup> day of December, 2009.

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5 BRIAN A. TSUCHIDA  
6 United States Magistrate Judge  
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